

ORDINANCE 1558

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, CREATING A NEW NORTH BEND MUNICIPAL CODE CHAPTER 3.33 TO BE ENTITLED “LOCAL IMPROVEMENT DISTRICTS AND UTILITY LOCAL IMPROVEMENT DISTRICTS”, AND ADOPTING A PROVISION THEREIN FOR THE FORECLOSURE OF DELINQUENT LID AND ULID ASSESSMENTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council desires to adopt a provision to codify the foreclosure of delinquent local improvement district and utility local improvement district assessments; and,

WHEREAS, the City Council desires to extend the annual deadline for foreclosures, as allowed by RCW 35.50.030, in order to allow adequate time for the City to notify delinquent owners and initiate litigation if necessary;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. New NBMC Chapter 3.33 (Local Improvement Districts and Utility Local Improvement Districts) Created: A new North Bend Municipal Code Chapter 3.33 is created to be entitled “Local Improvement Districts and Utility Local Improvement Districts”).

Section 2. New NBMC Section 3.33.010 (Foreclosure of delinquent LID and ULID assessments), Adopted: A new North Bend Municipal Code Section 3.33.010 (Foreclosure of delinquent LID and ULID assessments) is hereby adopted to read as follows:

3.33.010 Foreclosure of delinquent LID and ULID assessments.

When any local improvement district (LID) or utility local improvement district (ULID) assessment is payable in installments, upon failure to pay any installment due, the assessment shall become immediately due and payable, and the collection thereof shall be enforced by foreclosure. The payment of all delinquent installments, together with interest, penalty and costs, at any time before the entry of judgment in foreclosure shall extend the time of payment

on the remainder of the assessment installments as if there had been no delinquency or foreclosure. Foreclosure proceedings may be commenced at any time on or before November 15, unless otherwise provided in the LID or ULID ordinance itself, of the year in which, on the first day of January of such year, two installments of any local improvement district or utility local improvement district assessment were delinquent or the final installment was delinquent for more than one year. In case of foreclosure, there shall be added to the costs and expenses provided by Chapter 35.50 RCW, such reasonable attorneys' fees as the court may adjudge to be equitable, and the amount thereof shall be apportioned to each delinquent assessment or installment appearing on that roll. When one or more delinquent installment is paid before the foreclosure proceedings are completed, payment of such costs shall be a prerequisite to the City's dismissal of such proceedings unless otherwise ordered by the court.

Section 3. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 4TH DAY OF AUGUST, 2015.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: August 12, 2015

Effective: August 17, 2015

Susie Oppedal, City Clerk